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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 08/799,400 | 02/12/1997 | DAIJIRO SASAKI | KAMMON-3.0-0 | 3700 |
| 530 | 7590 | 04/22/2004 | EXAMINER | |
| LERNER, DAVID, LITTENBERG, KRUMLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | LEV, BRUCE ALLEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 48

Application Number: 09/799,400
Filing Date: March 05, 2001
Appellant(s): TSUKIHASHI ET AL.

Stephen B. Goldman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 15, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is ***not agreed with*** because "sets" of dependent claims have similar structural limitations that are argued, by the applicant (i.e., page 12), to have similar patentable

features. Further, the section 112 rejection pertaining to the phrase "tape-like" does not apply to all the claims, therefore, the claims that are rejected under section 112 *would stand or fall together*. Furthermore, at the bottom of page 18, the arguments set forth by the applicant appear to contradict the previous position, i.e., "Although Applicant's have not separately argued the novelty and unobviousness of dependent claims...".

In the interest of furthering the prosecution of the instant application, and in light of the extended prosecution to date, the examiner has chosen *not* to issue a notice of "defective brief" to address these issues further.

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

| | | |
|------------|--------------|--------|
| 08242526 A | SASAKI et al | 9-1996 |
| 4,933,512 | NIMIYA et al | 6-1990 |

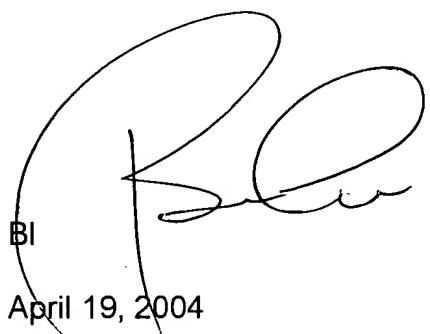
For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/799,400
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Respectfully submitted,

Bruce A. Lev
Primary Examiner
Art Unit 3634



BL
April 19, 2004

Conferees:

Primary Examiner: Mr. Bruce A. Lev 

Supervisory Primary Examiner: Mr. Peter Cuomo 

Supervisory Primary Examiner: Mr. Dan Stodola 

HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611